Appl. No. 10/710,913
Amdt. dated December 31, 2007
Reply to Office Action of October 2, 2007

Attorney Docket No. 014682-000011

Remarks

Applicant has reviewed the Office Action dated as mailed October 2, 2007 and the documents cited therewith. After the above amendments have been made, the present application contains claims 1, 2, 5-16, 20-21, and 40-46. Claims 1, 5, 13, 14, 15, and 16 have been amended. Claims 3, 4, 17-19, and 22-39 have been canceled. New claims 40-46 have been added.

Claim Objections

Claim 15 was objected to because of a typographical error. Claim 15 has been amended to correct the typographical error. Reconsideration and withdrawal of the objection to claim 15 is respectfully requested.

Claim Rejections under 35 U.S.C. §112

Claims 5, 14, 19, 25, 28, and 33-34 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claims 5 and 14 have been amended to more particularly point out and distinctly claim the subject matter of the present invention. Claims 19, 25, 28, and 33-34 have been cancelled. Reconsideration and withdrawal of the Section 112 rejection of claims 5 and 14 is respectfully solicited.

Claim Rejections under 35 U.S.C. §103

Claims 1, 10, 16, 22, 29-30, and 34 were rejected under 35 U.S.C. § 103(a) as being obvious over Muller et al. (U.S. Pub. No: US2005/0132011; hereinafter Muller) in view of Kessen et al. (U.S. Pub. No: US2006/0026254; hereinafter Kessen). This rejection is respectfully traversed.

Turning initially to the rejection of claim 1 under 35 U.S.C. § 103(a) as being obvious over Muller in view of Kessen, claim 1 has been amended to recite:

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> "determining at least one of whether the interrupting contact has an interrupt priority ranking higher than, or at least as high as, an interrupt priority ranking of each of the at least two contacts participating in the ongoing instant messaging conversation and whether an interrupting conversation has a higher priority compared to the ongoing instant messaging conversation; and
>
> interrupting the ongoing instant messaging conversation in response to a predetermined one of the interrupt priority ranking of the interrupting contact being higher than, or at least as high as, the interrupt priority ranking of each of the at least two contacts participating in the ongoing instant messaging conversation and the interrupting conversation having a higher interrupt priority ranking compared to an the interrupt priority ranking of the ongoing instant messaging conversation."

Applicant respectfully submits that neither Muller nor Kessen teach or suggest these features of the embodiment of the present invention as recited in independent claim 1.

Horvitz et al. (U.S. Patent Pub. No: US2005/0132014; hereinafter Horvitz) was cited in rejecting dependent claim 4 on page 9 of the Office Action which recited similar features to claim 1 as amended. Horvitz was cited on page 9 of the Office Action for disclosing statistical models and methods to support the personalization of applications and services via consideration of preference encodings of a community of users wherein communications can get through with an equivalency priority (citing paragraph [0032] of Horvitz I). Horvitz I in paragraphs [0031] and [0032] recites:

> "[0031] Proceeding to FIG. 5, a diagram 500 depicts how prioritized calls or messages are routed to a receiver of the messages over time and in view of the cost of interruption of the prioritized messages. The high-level cost-benefit version of the communications system allows calls to be routed through to users, even when they are in a mobile setting, but considering the current, dynamically changing cost of interruption, based on meetings, sensed observations (such as a microphone and conversation analysis system picking up conversation), and desktop activities (e.g., what is the user doing now), and settings, such as what is the user's Instant Messenger status set up to report (busy, away, etc.).
>
> [0032] One concept with the metaphor depicted in the diagram 500 is that people break through to those that have a

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> priority (low, medium, and high) that is as high or higher than the
> cost of interruption..." (Emphasis added)

Accordingly, Horvitz I is comparing the priority of letting a message through to the cost of interruption to the receiver as clearly shown in FIG. 5. As indicated in paragraph [0031] of Horvitz I recited above, the cost of interruption is based on meetings, sensed observations (such as a microphone and conversation analysis system picking up conversation), and desktop activities (e.g., what the user is doing now), and settings, such as what is the user's Instant Messenger Status setup to report the user being busy, away, etc. Accordingly, Applicant respectfully submits that there is no teaching or suggestion in Horvitz I, or Muller and Kessen of determining at least one of whether the interrupting contact has an interrupt priority ranking higher than, or at least as high, an interrupt priority ranking of each of the at least two contacts participating in the on-going instant messaging conversation and whether an interrupting conversation has a higher priority compared to the on-going instant messaging conversation as provided by the embodiment of the present invention as recited in independent claim 1. Therefore, independent claim 1 is respectfully submitted to be patentably distinguishable over Muller, Kessen and Horvitz I, whether considered individually or combined, and reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of independent claim 1 is respectfully requested.

Turning now to the rejection of claim 10 as being obvious over Muller in view of Kessen, claim 10 depends directly from independent claim 1, and by virtue of that dependency, includes all of the features of independent claim 1. Therefore, dependent claim 10 is also respectfully submitted to be patentably distinguishable over Muller, Kessen and Horvitz I for the same reasons as discussed with respect to independent claim 1. Reconsideration and withdrawal of the Section 103 rejection of claim 10 is respectfully solicited.

Regarding the rejection of independent claim 16 as being obvious over Muller in view of Kessen, claim 16 has been amended to recite:

> "interrupting the instant messaging conversation based on a
> set of interrupt rules, wherein interrupting the instant messaging
> conversation based on the set of interrupt rules comprises:

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> permitting the ongoing instant messaging
> conversation to be interrupted in response to interrupts being
> selectively permitted; and
> determining that the interrupting conversation has
> an interrupt priority ranking higher than an interrupt priority
> ranking of the ongoing conversation..."

Independent claim 16 has been amended to include the features of dependent claim 18.

Dependent claim 18 was rejected under 35 U.S.C. § 103(a) as being obvious over Muller in view

of Kessen and in further view of Kirkland et al. (U.S. Patent Pub. No: US2005/0149622;

hereinafter Kirkalnd). Kirkland was recited in the Office Action to reject claim 18 for disclosing

instant messaging priority filtering based on content and hierarchal schemes wherein message

content holds a priority level. Kirkland in paragraph [0010] recites:

> "When an instant message is sent to a user, the receiving
> instant messaging client performs an analysis on the thread subject
> of the incoming message. The instant messaging client analyzes
> the message to determine the thread content of the message. The
> priority level of the message is determined on the thread content of
> the message. If the priority level of the message is above a set
> threshold, the instant messaging client accepts message. The
> message is then displayed at the instant messaging client according
> to the priority level."

Accordingly, Kirkland teaches comparing the priority level based on the thread content of

the message to a set threshold, not the interrupt priority ranking of the on-going conversation.

Applicant respectfully submits that Kirkland does not teach or suggest determining that the

interrupting conversation has an interrupt priority ranking higher than an interrupt priority

ranking of the on-going conversation. Kirkland merely teaches that the instant messaging client

accepts the message if the priority level of the message is above a set threshold. Thus, Kirkland

does not determine that the interrupting conversation has an interrupt priority ranking higher than

an interrupt priority ranking of the on-going conversation between the at least two contacts as

provided by the embodiment of the present invention as recited in amended claim 16.

Accordingly, independent claim 16, as amended, is respectfully submitted to be patentably

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distinguishable over Muller, Kessen and Kirkland, and reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of independent claim 16 is respectfully requested.

Claims 2 was rejected under 35 U.S.C. § 103(a) as being obvious over Muller in view of Kessen and in further of Kirkland. This rejection is respectfully traversed. Claim 2 recites:

> "selecting a precedence between interrupting the instant messaging conversation based on the interrupt priority ranking of the interrupting contact relative to the interrupt priority ranking of each of the at least two contacts and the interrupt priority ranking of the interrupting conversation relative to the interrupt priority ranking of the instant messaging conversation."

Applicant respectfully submits that there is no teaching or suggestion in Muller, Kessen and Kirkland of selecting a precedence between the two criteria for interrupting an instant messaging conversation as recited in claim 2. Additionally, as previously discussed, Kirkland teaches accepting a message if the priority level is above a set threshold and Kirkland does not teach or suggest interrupting the instant messaging conversation based on the interrupt priority ranking of the interrupting conversation relative to the interrupt priority ranking of the ongoing instant messaging conversation as provided by the embodiment of the present invention as recited in claim 2.

Additionally, claim 2 depends directly from independent claim 1. Because of this dependency, claim 2 includes all of the features of independent claim 1. Applicant respectfully submits that Kirkland adds nothing to the teachings of Muller, Kessen and Horvitz I so as to render independent claim 1 unpatentable. Therefore, for all of the reasons discussed above, claim 2 is respectfully submitted to be patentably distinguishable over Muller, Kessen, Horvitz I, and Kirkland, and reconsideration and withdrawal of the Section 103 rejection of claim 2 is respectfully requested.

Claim 5 was rejected under 35 U.S.C. § 103(a) as being obvious over Muller in view of Kessen in further view of Kirkland and in further view of Horvitz I. This rejection is respectfully traversed. Claim 5 recites features which patentably distinguish over the cited documents. Additionally, claim 5 depends directly from independent claim 1, and by virtue of that dependency, includes all of the features of independent claim 1. Applicant respectfully submits

that claim 1, as amended, is patentably distinguishable over Muller, Kessen, Kirkland, and Horvitz I. Therefore, claim 5 is respectfully submitted to be patentably distinguishable over these documents for the same reasons as discussed with respect to independent claim 1. Reconsideration and withdrawal of the Section 103 rejection of dependent claim 5 is respectfully requested.

Claims 6 and 20 were rejected under 35 U.S.C. § 103(a) as being obvious over Muller in view of Kessen and in further view of Brewer et al. (U.S. Patent 5,611,040; hereinafter Brewer). This rejection is respectfully traversed. Claim 6 depends directly from independent claim 1 and claim 20 depends directly from independent claim 16. Because of these dependencies, claim 5 includes all of the features of independent claim 1 and claim 20 includes all of the features of independent claim 16. Brewer was cited for disclosing a system and method for activating double-click applications with a single-click comprising placing a window in the foreground and taking control of the mouse and keyboard as indicated on page 14 of the Office Action. Applicant respectfully submits that Brewer adds nothing to the teachings of Muller, Kessen, and Horvitz I so as to render independent claims 1 and 16 unpatentable. Therefore, claims 6 and 20 are also respectfully submitted to be patentably distinguishable over these documents, and reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of claims 6 and 20 is respectfully solicited.

Claim 7 was rejected under 35 U.S.C. § 103(a) as being obvious over Muller in view of Kessen and in further view of Brewer. Claim 7 also depends directly from independent claim 1, and by virtue of the dependency, includes all of the features of independent claim 1. Therefore, claim 7 is submitted to be patentably distinguishable over Muller, Kessen, and Brewer for the same reasons as discussed above with respect to claim 6.

Claims 8 and 21 were rejected under 35 U.S.C. § 103(a) as being obvious over Muller in view of Kessen and in further view of Asokan (U.S. Pub. No: US2005/0220079; hereinafter Asokan). This rejection is respectfully traversed. Claim 8 recites:

> "sending an interrupt notification to any of the at least two contacts
> of the instant messaging conversation not contacted by the
> interrupting contact in response to interrupting the instant
> messaging conversation."

Claim 21 recites similar features. The Office Action on page 18 admits that Muller and Kessen

fail to disclose the features of claims 8 and 21 as recited above. Asokan was cited on pages 18 as

teaching the deficiencies of Muller and Kessen with reference to paragraph [0038] of Asokan on

page 19 of the Office Action. Applicant respectfully disagrees that Asokan teaches the features

of claims 8 and 21 as recited above. Paragraph [0038] of Asokan recites:

> "[0038]   In some embodiments of the present invention, the
> packet-switched session may be a push-to-talk session that has
> been initiated by a user of the GSM/GPRS wireless terminal and
> that was established by a push-to-talk server. In response to
> receiving a circuit-switched page, the wireless terminal via, for
> example, a push-to-talk application that is running on the terminal,
> notifies the push-to-talk server that the push-to-talk session is to be
> temporarily suspended. This notification may be forwarded, for
> example, as either a text message or an
> e-mail message that is transmitted over SMS data bearer. The
> message may include, for example, an identifier associated with the
> cellular telephone (e.g., a push-to-talk client ID), identification of
> the reason the push-to-talk session is being suspended, the
> expected interval of the suspension, etc. If other participants in the
> push-to-talk session attempt to communicate with the wireless
> terminal over the push-to-talk session during the period when the
> wireless terminal has suspended the session, the push-to-talk server
> may notify those participants that the wireless terminal is
> temporarily unavailable..."

Accordingly, Asokan teaches sending a message that a push-to-talk session is temporarily

suspended or unavailable. Applicant respectfully submits that sending an interrupt notification to

any of the at least two contacts of an instant messaging conversation not contacted by the

interrupting contact in response to interrupting the instant messaging conversation is patentably

distinguishable from the notification that a push-to-talk session is temporarily suspended or

unavailable as taught by Asokan. Additionally, claim 8 depends directly from independent

claim 1 and claim 21 depends directly from independent claim 16. Applicant respectfully

submits that Asokan adds nothing to the teachings of Muller, Kessen and Horvitz I so as to

render independent claims 1 and 16 unpatentable as previously discussed. For all of these

reasons, dependent claims 8 and 21 are respectfully submitted to be patentably distinguishable

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over the documents of record, and reconsideration and withdrawal of the Section 103 rejection of claims 8 and 21 is respectfully requested.

Claim 9 was rejected under 35 U.S.C. § 103(a) as being obvious over Muller, Kessen, and in further view of Balasuriya et al. (U.S. Patent Pub. No: US2005/0245240; hereinafter Balasuriya). The Office Action admits on page 20 that Muller and Kessen fail to disclose a system and method for managing interruptions to a network user wherein an interrupted instant messaging system resumes upon completion of the interrupt. Balasuriya was cited for teaching this deficiency citing paragraph [0013] of Balasuriya. Paragraph [0013] of Balasuriya recites:

> "The disclosure provides an apparatus for and method of storing subsequent streaming media in a memory associated with a wireless communication device in response to receiving a communication request. For example, the disclosure provides for selectively storing at least one media of a multicast or unicast session in a local memory of a wireless communication device when a media streaming session is interrupted by an event, such as an incoming call. A user of the wireless communication device can resume playing the session from the local memory when interruption ends."

Accordingly, Balasuriya teaches recording a streaming multicast or unicast session which can be played to the user after the interrupting event ends. Applicant respectfully submits that resuming an instant messaging conversation in response to the interrupting conversation being completed is patentably distinguishable from recording a streaming multicast or unicast session and then replaying the recorded session as taught by Balasuriya. Additionally, claim 9 depends directly from independent claim 1, and by virtue of that dependency, includes all of the features of independent claim 1. Applicant respectfully submits that Balasuriya adds nothing to the teachings of Muller, Kessen and Horvitz I to render independent claim 1 unpatentable as previously discussed. For all of these reasons, claim 9 is submitted to be patentably distinguishable over Muller, Kessen, Horvitz I, and Balasuriya, and reconsideration and withdrawal of the Section 103 rejection of claim 9 is respectfully solicited.

Claims 11-12 were rejected under 35 U.S.C. § 103(a) as being obvious over Muller in view of Kessen and in further view of Horvitz et al. (U.S. Patent Pub. No: US2005/0084082;

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hereinafter Horvitz II). This rejection is respectfully traversed. The Office Action on page 22 admits that Muller and Kessen fail to disclose a system or method for managing interruptions to a network user wherein interrupts can be selectively blocked or overridden. Horvitz II was cited for this deficiency. The Office Action cited paragraph [0077] of Horvitz II for teaching designs, interfaces, and policies for systems that enhance communication and minimize disruption by encoding preferences in situations where an interruptability can be assigned and bypassed (read as overridden) as indicated on page 22 of the Office Action. Claim 11 depends directly from independent claim 1 and claim 12 depends directly from claim 11. Because of these dependencies, claims 11 and 12 include all of the features of independent claim 1. Applicant respectfully submits that Horvitz II adds nothing to the teachings of Muller and Kessen so as to render independent claim 1 unpatentable. Therefore, claims 11-12 are also submitted to be patentably distinguishable over Muller, Kessen and Horvitz II. Reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of claims 11-12 is respectfully requested.

Claims 13-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Muller in view of Kessen and in further view of Savage et al. (U.S. Patent Pub. No: US2001/0009014; hereinafter Savage). This rejection is respectfully traversed. Claim 13 has been amended to recite:

> "assigning an interrupt priority ranking to all contacts in an instant messaging contacts list in a user's communications device."

And claim 14 has been amended to recite:

> "wherein assigning an interrupt priority ranking comprises one of assigning the interrupt priority ranking by placing all contacts in a predetermined order in the contact list or auxiliary contact list on the user's communications device and by assigning a contact priority number to each contact in the contact list."

The Office Action on page 24 admits that Muller as modified by Kessen fails to disclose a system or method for managing interruptions to network users where an interrupt ranking is assigned to all users or ranking is performed by a predetermined order. Savage was cited for disclosing facilitating real-time, multi-point communications over the internet wherein a

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scheduler keeps track of and maintains the priority of each participant in each conference citing paragraph [0102] of Savage. Applicant respectfully submits that neither Savage nor the other documents of record teach or suggest the features of claims 13 and 14 as amended. Additionally, claim13 depends directly from independent claim 1 and claim 14 depends from claim 13. As a result of these dependencies, claims 13 and 14 include all of the features of independent claim 1. Applicant respectfully submits that Savage adds nothing to the teachings of Muller, Kessen or the other documents of record so as to render independent claim 1 unpatentable. Accordingly, for all of the reasons discussed above, claims 13 and 14 are submitted to be patentably distinct over the documents of record, and reconsideration and withdrawal of the Section 103 rejection of claims 13 and 14 is respectfully solicited.

Claim 15 was rejected 35 U.S.C. § 103(a) as being unpatentable over Muller in view of Kessen and in further view of Suorsa et al. (U.S. Patent Pub. No: US2002/0156831; hereinafter Suorsa). Suorsa was cited for disclosing automated provisioning of computing networks using a network database data model wherein Lightweight Directory Access Protocol (LDAP) verifies the access level of an agent which, as admitted on page 25 of the Office Action, is not taught or suggested by Muller or Kessen. Claim 15 depends directly from independent claim 1, and because of that dependency, includes all of the features of independent claim 1. Suorsa adds nothing to the teachings of Muller and Kessen or the other documents of record so as to render independent claim 1 unpatentable. Therefore, claim 15 is submitted to be patentably distinct over Muller, Kessen, and Suorsa as well as the other documents of record, and reconsideration and withdrawal of the Section 103 rejection of claim 15 is respectfully requested.

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Conclusion

For the foregoing reasons, the Applicant respectfully submits that all of the claims in the present application are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims at the earliest possible date are respectfully requested.

If the Examiner has any questions about the present Amendment or anticipates finally rejecting any claim of the present application, a telephone interview is requested.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0461.

Respectfully submitted,

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